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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-310

CRISS JESSICA HELMS
1668 E. Ocean Avenue
Ventura, California 93001

OAH No.

Registered Nurse License No. 612587

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on January 14, 2008.

It is so ORDERED December 13, 2007.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT BENNETT
Supervising Deputy Attorney General
3 CAROL S. ROMEO, State Bar No. 124910
Deputy Attorney General
4 California Department of Justice
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-310

12 **CRISS JESSICA HELMS**
1668 E. Ocean Avenue
13 Ventura, California 93001

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Registered Nurse License No. 612587

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Carol S. Romeo, Deputy Attorney General.

24 2. CRISS JESSICA HELMS (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about January 30, 2003, the Board of Registered Nursing issued Registered Nurse License Number 612587 to CRISS JESSICA HELMS (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-310 and will expire on August 31, 2008, unless renewed.

JURISDICTION

4. Accusation No. 2007-310 was filed before the Board of Registered Nursing (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-310 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-310. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-310, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 612587 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. The parties hereto acknowledge that this Stipulated Surrender of License and Order constitutes an offer in settlement to the Board and is not effective until adoption by said agency.

11. The parties hereto stipulate that in the event that this Stipulated Surrender of License and Order is not adopted by the Board, nothing herein recited shall be construed as a waiver of respondent's right to a hearing or as an admission of the truth of any of the matters charged in the accusation.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

ORDER

IT IS HEREBY ORDERED that the surrender of Registered Nurse License Number 612587, issued to Respondent CRISS JESSICA HELMS, is accepted by the Board.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Decision.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2007-310 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, to any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2007-310 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board's Decision and Order.

7. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$3,628.75 prior to issuance of a new or reinstated license. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 9-25-57

Criss Jessica Helms
CRISS JESSICA HELMS
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board.

DATED: 9/28/07

EDMUND G. BROWN JR., Attorney General
of the State of California

WILBERT BENNETT
Supervising Deputy Attorney General

Carol S. Romeo
CAROL S. ROMEO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A
Accusation No. 2007-310

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 CAROL ROMEO, State Bar No. 124910
Deputy Attorney General
4 California Department of Justice
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2141
Facsimile: (510) 622-2270
7 E-mail: carol.romeo@doj.ca.gov

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 CRISS JESSICA HELMS
1668 E. Ocean Avenue
14 Ventura, California 93001

15 Registered Nurse License No. 612587

16 Respondent.

Case No. 2007-310

OAH No.

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing.

22 2. On or about January 30, 2003, the Board of Registered Nursing issued
23 Registered Nurse License Number 612587 to Criss Jessica Helms (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on August 31, 2008, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), under the authority of the following laws. All section references are to the Business and

1 Professions Code unless otherwise indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 2750 of the Code provides, in pertinent part, that the Board may
4 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
5 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8 against the licensee or to render a decision imposing discipline on the license. Under section
9 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
10 the expiration.

11 6. Section 2761 of the Code states, in pertinent part, that "[t]he board may
12 take disciplinary action against a certified or licensed nurse or deny an application for a
13 certificate or license for any of the following:

14 "(a) Unprofessional conduct

15 ". . . .

16 "(f) Conviction of a felony or of any offense substantially related to the
17 qualifications, functions, and duties of a registered nurse, in which event the record of the
18 conviction shall be conclusive evidence thereof."

19 7. Section 2762 of the Code states, in pertinent part, that "[i]n addition to
20 other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing
21 Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of
22 the following:

23 ". . . .

24 "(b) Use any controlled substance as defined in Division 10 (commencing with
25 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
26 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
27 injurious to himself or herself, any other person, or the public or to the extent that such use
28 impairs his or her ability to conduct with safety to the public the practice authorized by his or her

1 license.

2 "(c) Be convicted of a criminal offense involving the prescription, consumption,
3 or self-administration of any of the substances described in subdivisions (a) and (b) of this
4 section, or the possession of, or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
6 thereof.

7 "

8 8. Section 490 of the Code states, in pertinent part, that "[a] board may
9 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the
10 crime is substantially related to the qualifications, functions, or duties of the business or
11 profession for which the license was issued. A conviction within the meaning of this section
12 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
13 which a board is permitted to take following the establishment of a conviction may be taken
14 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
15 or when an order granting probation is made suspending the imposition of sentence, irrespective
16 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

17 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
18 request the administrative law judge to direct a licensee found to have committed a violation or
19 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
20 and enforcement of the case.

21 10. Title 16, California Code of Regulations, section 1444, states, in pertinent
22 part:

23 "A conviction or act shall be considered to be substantially related to the
24 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
25 present or potential unfitness of a registered nurse to practice in a manner consistent with the
26 public health, safety, or welfare."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Substantially Related Conviction)**

3 11. Respondent is subject to discipline under sections 2761(f) and 490 of the
4 Code, in that Respondent has been convicted of a crime substantially related to the qualifications,
5 functions, or duties of a registered nurse in that on or about March 3, 2004, in the Superior Court
6 of California, County of San Diego, Case Number M906268, entitled *The People of the State of*
7 *California v. Criss Jessica Helms*, she was convicted by her plea of guilty of violating Vehicle
8 Code section 23152(b) (driving with a blood alcohol content of .08% and more), a misdemeanor.
9 The factual circumstances of the conviction are as follows:

10 a. On or about July 19, 2003, in San Diego, California, Respondent drove her
11 vehicle while having a blood alcohol content of 0.11 percent, thereby endangering herself and the
12 public's health and safety.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Conviction of a Crime Involving Alcohol)**

15 12. Respondent is subject to discipline under section 2761(a) of the Code on
16 the grounds of unprofessional conduct as defined by section 2762(c) of the Code in that on or
17 about March 3, 2004, Respondent was convicted of a crime, as set forth above in paragraph 11,
18 which involves the consumption of alcohol, a substance described in Code section 2762(b).

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Use of Alcohol to a Dangerous Extent)**

21 13. Respondent is subject to discipline under Code section 2761(a) on the
22 grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about July 19,
23 2003, Respondent used and was under the influence of alcohol while driving a vehicle in San
24 Diego, California, to an extent dangerous to herself or the public.

25 **BEFORE**
FOURTH CAUSE FOR DISCIPLINE

26 **(Substantially Related Conviction)**

27 14. Respondent is subject to discipline under sections 2761(f) and 490 of the
28 Code, in that Respondent has been convicted of a crime substantially related to the qualifications,

1 functions, or duties of a registered nurse in that on or about January 16, 2003, in the Travis
2 County Court at Law, State of Texas, Case Number 607967, she was convicted by her plea of
3 guilty of violating section 49.04 of the Texas Penal Code (driving while intoxicated), a
4 misdemeanor. The factual circumstances of the conviction are as follows:

5 a. On or about March 9, 2002, in Austin, Texas, Respondent rear-ended
6 another vehicle, while driving her vehicle while intoxicated, thereby endangering herself and the
7 public's health and safety. Respondent refused to take a breath test.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime Involving Alcohol)**

10 15. Respondent is subject to discipline under section 2761(a) of the Code on
11 the grounds of unprofessional conduct as defined by section 2762(c) of the Code in that on or
12 about January 16, 2003, Respondent was convicted of a crime, as set forth above in paragraph 14,
13 which involves the consumption of alcohol, a substance described in Code section 2762(b).

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Use of Alcohol to a Dangerous Extent)**

16 16. Respondent is subject to discipline under Code section 2761(a) on the
17 grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about March
18 9, 2002, Respondent used and was under the influence of alcohol while driving a vehicle in
19 Austin, Texas, to an extent dangerous to herself or the public.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 612587, issued
24 to Respondent Criss Jessica Helms;

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1 2. Ordering Criss Jessica Helms to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.
5

6 DATED: 4/25/07
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9 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant
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